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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT

Note by the Secretary-General

Addendum

The present document contains the report of the United Nations Educational, Scientific and Cultural Organization submitted in accordance with Commission on Human Rights resolution 1985/42.

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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[20 January 1986]
[Original: English]

1. The Constitution of UNESCO recognizes in its article I that the purpose of the Organization is

> "... to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations" (para.1).

2. To realize this purpose, article I, paragraph 2, of the Constitution declares that the Organization will, inter alia:

> "Give fresh impulse to popular education and to the spread of culture;
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> By collaborating with Members, at their request, in the development of educational activities;
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> By instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;
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> By suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom."

3. The programmes with a view to realizing these objectives are the following:

(a) Implementation of the Convention and Recommendation against Discrimination in Education (1960);

(b) Contribution of adult education and literacy to the implementation of the right to education;

(c) Implementation of the Revised Recommendation concerning Technical and Vocational Education (1974);

(d) Examination of the cases and questions concerning the violation of human rights in the fields of competence of UNESCO (Decision 104 EX/3.3);

(e) Research on the effective exercise of human rights in specific socio-economic situations.

A. Implementation of the Convention and Recommendation against Discrimination in Education (1960)

4. The Convention against Discrimination in Education was adopted by the General Conference in December 1960. It is concerned not only with the elimination of discrimination but also with the adoption of measures to promote equality of educational opportunity and treatment. It is consequently inspired by two basic and separate principles, proclaimed in the Constitution of the Organization; but the undertaking of States differs in scope, depending on whether the question is one of discrimination or of equal opportunity. In

pursuance of article 3, the States assent to a number of specific obligations of immediate application with a view to eliminating and preventing all discrimination within the meaning of the Convention; abrogation or modification of legal texts, prohibition of differences of treatment, of preferences or restrictions in certain fields.

5. The Convention consequently provides for the formulation, development and application by States of a national policy tending to promote, by methods appropriate to the circumstances and to national usage, equality of opportunity and treatment in the matter of education.

6. At the same time the General Conference, to assist those States which might for some reason find difficulty in becoming parties to the Convention, adopted a Recommendation to member States substantially in the same terms as the Convention.

7. In December 1962 the General Conference adopted a Protocol to the Convention, providing for the setting up of a Conciliation and Good Offices Commission, with the responsibility of seeking the settlement of any dispute arising between States parties to the Convention. This Protocol, in respect of which by 26 July 1968, 15 States had deposited an instrument of ratification or acceptance, entered into force on 24 October 1968.

8. The Convention and Recommendation derive their inspiration from articles 2 and 26 of the Universal Declaration of Human Rights, which declare that everyone has the right to education, in the ways and with the aims therein stated, and this without distinctions of any kind. In pursuance of the programme of work in this field, the Organization was invited by the competent bodies of the United Nations to establish a Convention against Discrimination in Education. Whilst the Organization desired to contribute to the implementation of article 2 of the Universal Declaration, which declares in substance that all discrimination is illegal, it desired as well to make a reality of the positive right of every person to education, which is laid down in article 26.

9. The elimination of all forms of discrimination, and the need to promote equality of opportunity and treatment in education, are two complementary aspects of the same educational objective. The Convention and Recommendation reflect well this double concern with the fight against discrimination on the one hand, and with the promotion of the right to education on the other. This may imply the adoption by member States of a series of legal measures and other actions to promote an educational policy such as will further the carrying out of the provisions of the Convention and Recommendation. The mention of this now is enough to show the fundamental importance and far-reaching nature of the clauses of the Convention and Recommendation, which surpass in these respects all other instruments drawn up by the Organization.

10. The means of implementation of the Convention and Recommendation must be examined against the background of the economic and social conditions obtaining in the member State concerned. The future sources of a nation's intelligence and of its capacities for development are its children and young people; and only if they are all given the chance to benefit from the educational opportunities available without discrimination of any kind can the nation hope to tap all its resources and fully realize its economic potential. Moreover, it is only as that economic potential comes to be realized that it will be possible to provide the budgetary resources needed for an educational system which can fully provide equal opportunities for all. Accordingly the Organization has been particularly concerned to promote

the development of education both quantitatively and qualitatively as an essential condition of economic and social development, closely geared to the opportunities for the effective employment of the young people so educated.

11. Under article VIII of the Constitution of the Organization every member State is required to report periodically (as determined by the appropriate Rules of Procedure) on the action it has taken upon recommendations and conventions. Further, article 7 of the Convention itself requires States parties to it to give the General Conference information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of the Convention. There is an equivalent clause in the Recommendation.

12. To date four consultations of member States on the implementation of the Convention and Recommendation against Discrimination in Education have been undertaken (1968-1985).

13. Pursuant to resolution 1/1.1/2 adopted by the General Conference at its twentieth session in 1978, a report of the Committee on Conventions and Recommendations regarding the Fourth Consultation of member States on the implementation of the above Convention was submitted to the General Conference at its twenty-third session in 1985. */ The report consists of (i) the Committee's analytical summary based on the reports presented by 84 member States (out of the 155 when the consultation was launched), of which 49 are parties to the Convention, (ii) the Committee's conclusions and recommendations including a proposed timetable for the Fifth Consultation, and (iii) four annexes. Annex D contains a summary of each of the 84 country reports received by 18 October 1985.

14. The Committee wished to draw the clearest possible conclusions as to the extent to which the provisions of the Convention and of the Recommendation have been applied and as to the progress achieved since the last consultation. However, it needs to be borne in mind that its judgements are based on the information provided by a minority of member States which, moreover, did not all participate in the previous consultations.

Discrimination

15. The Committee noted that with the sole exception of the report drawn up by the United Nations body responsible for Namibia all the replies received contain the assertion that there are no legal provisions or regulations providing for discrimination in education.

16. The Committee has, however, observed that certain situations described in some of the reports are of a discriminatory nature, although it has not always been possible to determine whether such situations result from a deficiency in the law or from specific infringements of it.

17. Furthermore, the Committee has noted that preferential measures have been taken for the benefit of underprivileged groups in some countries. As it has already indicated in its previous reports, it considers that the differences introduced for the purposes of protection and consisting, for example, in according preferential treatment to children from culturally underprivileged backgrounds are not discriminatory in the sense in which this term is used in

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*/ See Document 23 C/72 August 1985.

the Convention and Recommendation, but on the contrary are some of the legitimate means of promoting equality of opportunity, in the spirit of the relevant provisions of the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the United Nations General Assembly at its twentieth session.

Separate educational systems or establishments for students of the two sexes

18. The Committee was already of the opinion in its third report that it was possible to detect a gradual expansion of coeducation, especially at the primary and higher levels.

19. It would seem clear from the fourth consultation that this tendency has increased and that coeducation has been introduced in some countries where, for traditional or pedagogical reasons, separate education was the rule. In these countries coeducational institutions have appeared alongside single sex establishments, which have continued in existence mainly at the secondary level.

20. The Committee has also noted with satisfaction the efforts made by some developing States to achieve not only equal opportunity of access to education for both sexes and an improvement in the enrolment ratio of girls (which nevertheless still remains considerably lower than that of boys), but also equality as regards the courses of study available, the equipment and the qualifications of the staff when education is provided in separate establishments.

Private or denominational establishments

21. The Committee noted that there are private or denominational education establishments in most (55) of the States (74) which answered this question.

22. In many cases the replies from member States point out that the existence of private schools helps to compensate for the insufficient number of public educational institutions and that government subsidies are awarded to them in order to encourage their establishment and maintenance. A number of countries point out that the aim of private or denominational schools established on their territories is to provide additional educational facilities and not to exclude any particular group, and that their existence allows parents to exercise as a matter of priority their right to choose the kind of education they wish to give their children. However, one report says that the tuition fees charged in private education may be a factor of discrimination; another notes that some private schools practise segregation and a third indicates that where there is no State school available, a number of pupils are led to attend private schools which provide an ideologically oriented education.

23. The Committee also noted that where private or denominational establishments do exist they respect the principles set forth in the Convention and the Recommendation.

Equality of educational opportunity and treatment

24. The Committee was pleased to observe that all the replies received on this subject emphasized the unanimous wish of Governments or of the relevant authorities to achieve equality of opportunity and treatment in education.

25. It noted that in many countries this objective is contained in the Constitution or in legislation or has even already been achieved, and thus

there would be no point in reformulating or altering the policy to be followed for democratizing education.

26. The Committee also welcome the very detailed information contained in most of the replies, describing the measures already taken or planned by the Governments concerned to achieve equality of opportunity and treatment at the different levels of education.

Compulsory and free primary education

27. Despite improvements in the enrolment ratios in the vast majority of the countries, primary education has not been made compulsory and provided free of charge in a number of member States on account of a number of difficulties, which include not only the lack of financial resources, the shortage of teachers, shortages of educational equipment and facilities and the geographically scattered nature of the population, but also in some cases restrictions of a religious or traditional nature and even the opposition of parents who require the assistance of their children for agricultural or domestic work.

Generalization of secondary education

28. The Committee i pleased to note the progress which has been achieved by many member States towards the generalization of secondary education. The extension of compulsory schooling to cover the first phase or all the various phases of such education has been achieved in several countries; such schooling has been provided free of charge and this principle has often been extended to cover textbooks, meals, clothing and even the provision of accommodation for pupils in some States. The considerable increase achieved over 10 years in enrolment ratios for the child population as a whole in the case of Benin or for the culturally underprivileged aboriginal groups in the case of Australia reveal the success of the efforts undertaken by the Governments concerned.

29. The Committee also noted with interest the attention given by many member States to achieving a fair balance between general secondary education and vocational and professional training in order to create a better preparation for working life and take into account socio-economic conditions and the needs of the labour market.

30. The reports of several States mention the difficulties which they have encountered in their efforts to generalize secondary education: inadequacy of financial resources, shortages of teachers, lack of premises and equipment and the scattered nature of the population.

Access to higher education

31. The Committee noted in its previous report "that hgher education is going through a period of remarkable development in most countries, reflected both in the creation of new universities and in the spectacular influx of higher education candidates". Most of the replies received indicate that this growth has further increased during the past decade. For example, in only 10 years university enrolments in Benin have increased tenfold and they have increased considerably or notably in Brazil, the Federal Republic of Germany, Norway, the Republic of Korea and Switzerland, among other countries. New higher education establishments have been set up in several countries and a decentralization effort is under way in certain States with a view to making access to higher education easier for population groups far away from the

metropolitan countries and major cities, through improved geographical distribution.

32. The Committee noted with satisfaction that the growth in higher education is accompanied in several countries by better access to this level of education for hitherto disadvantaged population categories. It noted the information contained in certain reports stressing that the proportion of minorities in the student population has improved considerably, or that the number of female students is about to reach, as in Poland, or even overtake, as in the United States, that of male students.

33. Free education is an important factor in equality of opportunity and the Committee noted with satisfaction that it had been extended to higher education in many countries. It also noted, however, that the cost of registration and tuition fees in several States was too high and that it hampered access by many candidates to this level of education.

34. The granting of fellowships and loans to students offsets these difficulties to a certain extent, and the Committee noted with interest information providing details, in the reports received, of financial assistance and other facilities granted to students in order to meet both their registration and tuition fees and their maintenance expenses.

Adult education and continuing education

35. The Committee was happy to note the interest shown by all the 58 Governments which replied to this part of the questionnaire on the struggle against illiteracy. During the past 12 years, and particularly since the last consultation of member States, major strides have been made in this field and the illiteracy rate has fallen markedly in many countries.

36. The Committee further noted that the efforts of the Governments concerned were not limited merely to providing literacy training for persons who had not received any primary education and that craft or vocational training taking employment needs into account had been organized in most cases. In any case, adult education is not restricted to the primary level. Continuing education leading to or even including higher education has been organized in many countries.

37. The general conclusion drawn by the Committee from the reports received is encouraging. Greater participation by member States in this fourth consultation, as well as the number and quality of replies from countries in regions that took virtually no part in previous consultations, are clear signs of the interest taken by member States, particularly developing States, in the implementation of the 1960 Convention and Recommendation.

38. The reports received also bear witness to the efforts States have made to combat discrimination and to bring about equality of educational opportunity and treatment. The Committee was pleased to record the progress achieved since the last consultation, particularly with regard to the provision of free primary education for all and the improvement of school attendance among girls despite the difficulties encountered by certain countries. It was also pleased to note that the efforts made by States with a view to generalizing secondary education and achieving equal opportunity of access to higher education have been reflected in the last decade in a substantial increase in enrolments at these two levels. Lastly, the Committee noted with satisfaction the drop in the illiteracy rate in many countries.

39. The Committee will meet again towards the end of 1990 or early in 1991 to study all the documentation received and to draft its report.

40. The Executive Board will make its comments on that report in the spring of 1991; comments and reports will then be submitted to the General Conference at its twenty-sixth session.

B. Contribution of adult education and literacy to the implementation of the right to education

41. Literacy work and adult education programmes have, since the creation of UNESCO 40 years ago, been intentionally and carefully planned and undertaken with the aim of extending and improving the access of all to initial and continuing education. As such, the Organization's work in these fields has explicitly sought the tangible implementation of the right to education as enshrined in the Universal Declaration of Human Rights.

42. Recommendation on the development of adult education was adopted by the General Conference at its nineteenth session in 1976 (the text is attached as annex II). 1/

43. Literacy work is at present being carried out according to a global strategy, adopted by member States in the framework of the Organization's Second Medium-Term Plan (1984-1989). On the one hand, action for the extension and renovation of primary education is designed to bring better educational grounding to more children in schools. On the other hand, outside the school, activities are undertaken to intensify the struggle for literacy not only among adults but also among young people who have had insufficient or no schooling.

44. In its adult education programmes, UNESCO strives to promote the spread and amelioration of education not only as an end in itself, but also as a means of helping ensure the active and full exercise of other human rights, including the right to work, to culture and to civic participation. The concern of these activities for human rights recently found firm expression in the proceedings of the Fourth International Conference on Adult Education which declared the following:

> "Recognition of the right to learn is now more than ever a major challenge for humanity.
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> The right to learn is:
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> The right to read and write;
>
> The right to question and analyse;
>
> The right to imagine and create;
>
> The right to read one's own world and to write history;
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> The right to have access to educational resources;
>
> The right to develop individual and collective skills.

1/ Available for consultation in the Secretariat files.

The Paris Conference on Adult Education reaffirms the importance of this right.

The right to learn is not a cultural luxury to be saved for some future date.

It is not a right that will come only after the question of survival has been settled.

It is not the next step to be taken once basic needs have been satisfied.

The right to learn is an indispensable tool for the survival of humanity.

If we want the peoples of the world to be self-sufficient in food production and other essential human needs, they must have the right to learn.

If women and men are to enjoy better health, they must have the right to learn.

If we are to avoid war, we must learn to live in peace, and learn to understand one another.

'Learn' is the key word.

There can be no human development without the right to learn.

There will be no breakthroughs in agriculture and industry, no progress in community health, and, indeed, no change in learning conditions without the right to learn.

Without this right there will be no improvements in the standard of living for workers in our cities and villages.

In short, the right to learn is one of the best contributions we can make to solving t'e crucial problems of humanity today.

But the right to learn is not only an instrument of economic development, it must be recognized as one of the fundamental rights. The act of learning, lying as it does at the heart of all educational activity, changes human beings from objects at the mercy of events to subjects who create their own history.

It is a fundamental human right whose legitimacy is universal. The right to learn cannot be confined to one section of humanity, it must not be the exclusive privilege of men, or of the industrialized countries, or the wealthy classes, or those young people fortunate enough to receive schooling. The Paris Conference calls on all countries to imlement this right and to create the necessary conditions for its effective exercise by all, by making available all necessary human and material resources, rethinking education systems along more equitable lines, and, finally, drawing on the resources that have been successfully developed by various communities.

We urge all organizations both governmental and non-governmental, to work with the United Nations, UNESCO and other specialized agencies to promote this right on a world scale.

In spite of the great progress in adult education that has been recorded at consecutive UNESCO Conferences, in Elsinore, Montreal, Tokyo and Paris, the chasm has not narrowed between, on the one hand, the scale and complexity of the problems, and, on the other, the ability of individuals and groups to find appropriate solutions.

The Fourth International Conference on Adult Education, meeting at UNESCO headquarters in March 1985, repeats the appeal made at previous conferences, calling on all countries, despite or indeed because of the scale of contemporary problems, to make a determined and imaginative effort to bring about the intensive and specific development of adult education activities, so that women and men, both individually and collectively, can equip themselves with the education, cultural, scientific and technological resources necessary for a type of development whose aims, requirements and practical procedures they themselves will have chosen.

This Conference recognizes and acclaims the energy and the trends in human relations that women and their organizations have contributed. Their specific experiences and methods are central to the fundamental issues on which the future of humanity depends, such as peace and equality between women and men. This being the case, women's participation is essential in the development of adult education and in plans to bring about a more humane society.

Who will decide what humanity will become in the future? This is the question facing all Governments, non-governmental organizations, individuals and groups. This, too, is the question facing the women and men who are working in adult education and who seek to enable all people, ranging from individuals to groups to humanity as a whole, to gain control of themselves and of their own destiny."

45. It should, furthermore, be pointed out that every effort is made within the literacy and adult education activities of UNESCO to make a special place for certain groups subject to de facto educational discrimination and thus deprived of their rights in this regard. These groups include women, youth, the handicapped and the aged, inter alia.

C. Implementation of the Revised Recommendation concerning Technical and Vocational Education (1974)

46. The UNESCO Revised Recommendation concerning Technical and Vocational Education, adopted by the General Conference in 1974, considers technical and vocational education as a part of the overall educational process which should be made available to all persons without discrimination. This instrument makes special provision for equal technical and vocational education opportunities for women (para. 27), for out-of-school and unemployed youth and children of migrant workers as well as for those not entering education or training programmes after completion of compulsory schooling (para. 28) and for the physically and mentally disadvantaged (para. 29).

47. The Revised Recommendation has been extensively used as a background document for regional seminars and workshops organized by UNESCO in the field

of technical and vocational education. A number of case studies concerning the development of technical and vocational education in member States have been prepared based on this instrument.

48. In conformity with resolution 25 adopted by the General Conference in 1983, a draft questionnaire has been prepared to be used by member States to report on their implementation of the Revised Recommendation. The questionnaire will be sent to member States by the end of 1985 and analytical summaries of the reports will be prepared and submitted to the General Conference in 1987.

D. Examination of the cases and questions concerning the violation of human rights in the fields of competence of UNESCO (Decision 104 EX/3.3)

49. Pursuant to decision 3.3 of the Executive Board at its 104th session, the Committee on Conventions and Recommendations examined communications received by the Organization concerning cases and questions of violations of human rights within the fields of competence of UNESCO in accordance with the procedures defined in the above decision (the text of the decision is attached in annex IV). 2/

E. Research on the effective exercise of human rights in specific socio-economic situations

50. Pursuant to the Work Plan of the Approved Programme and Budget for 1984-1985 and within the framework of Subprogramme XIII.2.2 - The effective exercise of human rights in specific social and economic conditions, UNESCO organized an international meeting of experts on ways and means of improving the effective exercise of human rights of disadvantaged social groups which took place in Quebec (Canada) from 9 to 12 December 1985.

51. This meeting, which was organized in collaboration with the Canadian National Commission for UNESCO, brought together anthropologists, historians, lawyers and economists with a view to their suggesting means of improving the action taken in favour of disadvantaged groups such as ethnic minorities, the unemployed, refugees, migrants, handicapped persons and the elderly.

52. A series of studies were carried out in preparation for this meeting, two of which, of a general character, were prepared by the International Commission of Jurists and Laval University, Canada. In addition, eight case studies have been prepared on the unemployed and migrants in Italy and the Syrian Arab Republic, handicapped persons in Canada and in Yugoslavia, elderly people in the United States of America and in Ghana and the poor in India and in Argentina.

53. The experts recommended that UNESCO action in this field be increased and that disadvantaged groups be associated in the action-oriented studies and research to be undertaken by the Organization.

54. Finally, within the framework of Subprogramme XII.2.1 - Standard setting action in support of the struggle against prejudice, intolerance and racism, UNESCO is organizing a regional seminar to study the extent to which the means of redress provided for in the existing instruments concerning the struggle against prejudice, intolerance and racism have already been used by the most disadvantaged groups.

2/ Available for consultation in the Secretariat files.

55. This meeting which will be organized under contract with the Faculty of Law and Social Sciences of the University of Buenos Aires, Argentina, will take place in Bueons Aires from 17 to 20 March 1986.

56. The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities will be informed in due course of the work done under these subprogrammes.